



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/827,466 | 04/06/2001 | Frederick Schuessler | 40146/20601 | 6160 |
| 30636 7590 04/17/2008 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038 | | | | |
| EXAMINER | | | | |
| FUREMAN, JARED | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2876 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 04/17/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/827,466

Applicant(s)

SCHUESSLER ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37, 38, 116 and 137-146 is/are allowed.
- 6) ☒ Claim(s) 131 and 133-136 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,4-6,9-11,13,14,18-20,23-25,28-30,32,33,37,38,116,131 and 133-146.

DETAILED ACTION

Receipt is acknowledged of the amendment filed on 10/31/2007 and the response to notice of non-compliant amendment filed on 01/25/2008, which have been entered in the file. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37, 38, 116, 131 and 133-146 are pending.

Claim Objections

1. Claim 131 is objected to because of the following informalities: Claim 131, line 3: --of-- should be inserted before "bar code readers". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 131 and 133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (6,199,048 B1, previously cited) in view of Bayrakeri (US 6,185,602 B1, previously cited).

Hudetz et al teaches (re claim 131) a method comprising: receiving bar codes (bar code symbol 46, see figure 2) from a plurality of bar code readers (input devices 44, figures 1 and 2. While figures 1 and 2 only show a single input device 44 and local host 28, it is clear that any practical implementation of the system and method as taught by Hudetz et al would include multiple input devices 44), the bar codes selected by a group of users using the plurality of bar code readers from a plurality of sources (users of input devices 44 and local hosts 28, see figures 1 and 2. While figures 1 and 2 only show a single input device 44 and local host 28, it is clear that any practical implementation of the system and method as taught by Hudetz et al would include multiple input devices 44 and local hosts 28); allowing the group of users to connect to an Internet portal (service provider 22, see figure 1) in response to receiving the bar codes; permitting the group of users to access a common web page (stored at the location identified by URL field 74, see figure 4) based on information encoded in each bar code (UPC fields 70 and 72) and based on destination information (the URL 74 of the Web-site associated with UPC fields 70 and 72) corresponding to the received bar codes, wherein the destination information is accessible from the Internet portal; (re

claim 133) receiving bar codes selected by a group of users using bar code readers each bar code associated with source information (such as a terminal or network identification of the local host 28 or a user's login information, for example) identifying a user of the bar code readers; providing data received from the Internet portal to said at least one user of at least one of the bar code readers based on the received source information (the service provider 22 must have an identification of the local host 28, in order to know which information to send to a specific local host 28, for example).

Hudetz et al fails to specifically teach (re claim 131) permitting the group of users to communicate with each other through the common web page.

Bayrakeri teaches multi-user interaction over the Internet through the use of chat rooms (a chat room represents a common web page), for example (see column 1, lines 25-37). Bayrakeri states that multi-user interaction can be applied in a variety of applications, such as virtual chat rooms, entertainment and electronic commerce (see column 2, lines 1-13).

In view of Bayrakeri's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al, permitting the group of users to communicate with each other through the common web page, (the web page of a chat room, for example), thereby allowing users to communicate with other users having similar interests, such as the interest or use of particular products, and generating further interest and customer loyalty to the product.

5. Claims 134-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al as modified by Bayrakeri in view of Bianco (US 5,979,762, previously cited).

The teachings of Hudetz et al as modified by Bayrakeri have been discussed above.

Hudetz et al as modified by Bayrakeri fails to specifically teach allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al as modified by Bayrakeri, allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off, in order to provide greater security.

Allowable Subject Matter

6. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23, 24, 25, 28-30, 32, 33, 37, 38, 116 and 137-146 have been allowed over the prior art of record. The reasons for allowance for claims 1, 4-6, 9-11, 13, 14, 18-20, 23, 24, 25, 28-30, 32, 33, 37, 38, 116 and 137-146 was recited in the office action mailed on 10/12/2006 (see pages 5-7).

Response to Arguments

7. Applicant's arguments filed 3/26/2007, with respect to claims 131, 133-136 have been fully considered but they are not persuasive.

Applicants argue that both the system and the method disclosed by Hudetz et al is directed at receiving UPC symbol information from a single user, or at least from a single scanner at a single source, Hudetz et al fails to teach or suggest "a group of users using the plurality of bar code readers from a plurality of sources" (see pages 10-11 of the amendment filed on 01/25/2008), the Examiner respectfully disagrees. Hudetz et al states, "This invention relates to computer communications generally, and more specifically to techniques for giving **users** convenient access to information located on computer networks such as the Internet." (Emphasis added, see column 1, lines 16-19). Hudetz et al also states, "The present invention offers a better way for **consumers** and others to access resources on remote computers, particularly Web sites." (Emphasis added, see column 3, lines 16-18). Clearly Hudetz et al teaches/suggests a plurality of users/consumers. Furthermore, one of ordinary skill in the art at the time of the invention would easily recognize that any practical implementation of the system and

method as taught by Hudetz et al would include a plurality of local hosts 28 and input devices 44. In order to agree with Applicant's argument that there is only a single local host 28 and a single input device 44 and a single user, one of ordinary skill in the art at the time of the invention would have to believe that Hudetz et al intends to create database 60, service provider 22, remote nodes 24 and 26 all to connect only a single local host 28 with a single input device 44 for a single user. Clearly one of ordinary skill in the art at the time of the invention would recognize that Hudetz et al intends for their to be a plurality of users each having a local host 28 and input device 44 to scan bar codes 46 and retrieve information. Thus, the combination of Hudetz et al as modified by Bayrakeri and Bianco teaches/suggests the invention recited in claims 131 and 133-136.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rothschild (US 6,651,053 B1), Melick et al (US 7,337,948 B2) and Dieben (WO 99/24926 A1) all teach systems and methods using bar codes to retrieve information.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 8:00 am - 5:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jared J. Fureman/
Primary Examiner, Art Unit 2876

April 14, 2008